

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

EMILY SIMMONS

PLAINTIFF

V.

NO. 4:23-CV-94-DMB-DAS

**ADVANCED STORES COMPANY,
INCORPORATED d/b/a Advanced
Auto Parts**

DEFENDANT

ORDER

On November 7, 2023, United States Magistrate Judge David A. Sanders permitted Emily Simmons' attorneys to withdraw¹ and ordered that "Simmons has until December 7, 2023, to (1) retain other counsel, (2) advise the court that she intends to proceed pro se ... or (3) notify the court that she intends not to prosecute this case." Doc. #15 at PageID 51 (emphases omitted). The November 7 order warned Simmons that "failure to comply with Orders of this court may result in sanctions, up to and including dismissal of the case, as failure to comply with this Order or other Orders may lead to a presumption that she has chosen not to proceed with this case." *Id.* at PageID 52 (emphases omitted). Simmons did not respond to the November 7 order.

On December 15, 2023, noting that no counsel for Simmons had entered an appearance on her behalf nor had Simmons filed a notice indicating her intention to proceed pro se, Judge Sanders ordered Simmons "to show cause no later than January 5, 2024, as to why her case should not be dismissed for her failure to comply with the orders of this court." Doc. #16 at PageID 53. Simmons did not respond to the show cause order.

Because Simmons failed to respond to both the November 7 order and the December 15

¹ Permission to withdraw was based on her counsel's representations that they "ha[d] been unable to communicate with [her] for several months and informed [her] that they would be filing a motion to withdraw from representing her." Doc. #15 at PageID 51.

order and has not otherwise indicated any intention to proceed with her claims,² this case is **DISMISSED without prejudice.**

SO ORDERED, this 22nd day of January, 2024.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

² Simmons alleges Title VII sex discrimination, sexual harassment, and retaliation claims against Advanced Stores Company, Incorporated. Doc. #1 at PageID 6–7.